

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MARY L. BRACE, individually and on	)	
behalf of herself and others similarly situated,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 16-cv-2412-SHL-tmp
	)	
METHODIST LE BONHEUR	)	
HEALTHCARE, THE BENEFITS	)	
COMMITTEE and John Does 1-20,	)	
	)	
Defendants.	)	

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**ORDER APPOINTING INTERIM CO-LEAD  
CLASS COUNSEL AND ESTABLISHING PROCEDURES FOR  
THE CONSOLIDATION OF FUTURE-FILED CASES**

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Upon consideration of Plaintiff Mary Brace's ("Plaintiff") motion for entry of an order appointing the law firms of Kessler Topaz Meltzer & Check, LLP ("KTMC") and Izard Kindall & Raabe LLP ("IKR") as Interim Co-Lead Class Counsel and the Bramlett Law Offices ("Bramlett") as Interim Liaison Class Counsel, and establishing procedures for the consolidation of future-filed cases (ECF No. 26), the Court hereby ORDERS as follows:

**I. CONSOLIDATION OF SUBSEQUENT OR TRANSFERRED ACTIONS**

1. Any other actions now pending or later filed in this District which arise out of or are related to the same facts as alleged in the above-captioned action ("Action") shall, until further order of this Court, be consolidated pursuant to FED. R. CIV. P. 42(a) for all purposes with and into this Action, if and when they are brought to the Court's attention. The caption of the consolidated action shall be "*In re Methodist Le Bonheur Healthcare ERISA Litigation*" and the files of the consolidated action shall be maintained in one file under Master File No. 16-cv-2412-SHL-tmp (W.D. Tenn.) (the "Consolidated Action").

2. All pleadings filed in the Consolidated Action, or in any separate action included herein, shall bear the following caption:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MASTER FILE NO. 16-cv-2412-SHL-tmp  
IN RE METHODIST LE BONHEUR HEALTHCARE ERISA LITIGATION

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THIS DOCUMENT RELATES TO:

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3. When a case that arises out of the same operative facts as the Action is hereinafter filed or transferred to this Court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- c. Make all appropriate docket entries.

The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transferring of any case that might properly be consolidated as part of this litigation.

**II. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES**

1. This Order shall apply to each class action alleging claims similar to those set forth in this action and brought on behalf of participants and beneficiaries of the Plan. This Order shall apply to each case that is subsequently filed or transferred to this Court and assigned to the undersigned, unless a party objecting to the consolidation of that case or

to any other provision of this Order serves an application for relief from this Order or from any of its provisions within ten (10) days after the date on which the Clerk mails a copy of this Order to the counsel of that party. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

2. Unless a plaintiff in a subsequently filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead or otherwise move with respect to that complaint. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have thirty (30) days from the date the Court grants such permission within which to answer, plead or otherwise move with respect to that complaint.

### **III. APPOINTMENT OF INTERIM CLASS COUNSEL**

1. The following paragraphs of this Order apply only until such time as the Court determines whether to certify this action as a class action. If the Court later determines to certify this action as a class action, it will at that time consider appointment of class counsel under FED. R. CIV. P. 23(g)(1)-(2).

2. Pursuant to FED. R. CIV. P. 23(g)(3), KTMC and IKR are appointed as Interim Co-Lead Class Counsel for the Plaintiff in this action and all subsequently filed, related actions consolidated herewith. Interim Co-Lead Class Counsel shall have the authority over the following matters on behalf of Plaintiff and the putative class in this action:

- a. Directing, coordinating, and supervising the prosecution of Plaintiff's claims, including the drafting and filing of any amended class action, the briefing of any motion to dismiss by any defendant(s), as well as any class certification motion, and any matters pertaining thereto;
- b. Initiating and conducting discovery, including without limitation, coordinating discovery with Defendants' counsel, preparing written

interrogatories, requests for admission, and requests for production of documents;

- c. Directing and coordinating the examination of witnesses in depositions;
- d. Retaining experts;
- e. Communicating with the Court;
- f. Communicating with counsel for Defendants;
- g. Conducting settlement negotiations; and
- h. All other matters concerning the prosecution or resolution of the ERISA Actions.

3. No motion shall be initiated or filed on behalf of any Plaintiff in this action except through Interim Co-Lead Class Counsel.

4. Service of pleadings and other papers by Defendants shall be made only upon KTMC and IKR, who are authorized and directed to accept service on behalf of Plaintiff in this action and any later action(s) that may be consolidated herewith.

5. Pursuant to FED. R. CIV. P. 23(g)(3), the Bramlett Law Offices is appointed as Interim Liaison Class Counsel for this Action. Interim Liaison Class Counsel is charged with administrative matters, such as facilitating necessary communications between the Court and all counsel (including receiving and distributing notices, orders, motions, and briefs on behalf of the group).

**IT IS SO ORDERED**, this 25th day of August, 2016.

/s/ SHERYL H. LIPMAN  
SHERYL H. LIPMAN  
UNITED STATES DISTRICT COURT